

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Tetsuro UCHIDA and Masato KUWAHARA
SERIAL NO. : 10/801,762
FILED : March 15, 2004
ENTITLED : COMMUNICATION GAME SYSTEM ETC.
EXAMINER : NGUYEN, BINH AN DUC
ART UNIT: 3714

To: Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. SECTION 1.132

Sir:

The undersigned Masato Kuwahara is a co-inventor of the above-identified application and hereby declare as follows:

1. I have a degree in electronics and information technology and I have eight (8) years of experience in the field of communications, designing communication apparatus and systems particularly for electronic interactive games.
2. I have reviewed the reference Freeman et al US Patent No. 6,356,288 (Freeman '288) cited by the Examiner and hereby state unequivocally that Freeman '288 does not teach a game apparatus capable of receiving information pertaining to a character controlled by an operation of another game apparatus in which communication has been established, displaying the other character on a display unit and controlling the display state of the other character such that the display state changes from a normal display state to a different display state which is not

normal inclusive of a fading display state and finally to a non-display state when the communication with the other game apparatus deteriorates sufficiently or ceases.

3. In the game apparatus of the subject invention communication is established with another game apparatus to play an interactive game. Information is received pertaining to a character controlled by the other game apparatus which character is displayed on a display unit according to the received information. The display state of the character is changed from a normal display state to a state which is not normal when communication with the other apparatus is degraded. Based upon the degradation of communication the displayed character may be displayed either in a blurred state, a blinking state, a semi-transparent state or a non-display state. Moreover, the display state will go back and forth from the normal display state to the degraded state or to the non-display state and back. This is taught in the specification on page 18 line 30 through page 19 line 13 and on page 21 lines 1-18.
4. The cinematographic techniques taught in the cited reference Freeman '288 on pages (2:38-42) inclusive of zooming in-zooming out, context switching etc., and in (1:47-2:3; and on 3:4-60) as indicated by the Examiner do not result in changing characters from a normal display state to a state which is not normal when communication with the other apparatus is degraded as is claimed in claim 1 of the subject application nor would one skilled in the art understand how the cinematographic techniques taught in the cited reference Freeman '288 change the display state of the character received from the other game apparatus such that the state of display is changed to a different display state when communication between the two game apparatus deteriorates.
5. The Examiner is in error in alleging that changing the display state of a character to another display state is inherent in the teaching of Freeman '228. The Examiner is also in error in alleging that the different cinematographic effects taught in Freeman '228 include changing the display state of a character to another display state. The teaching in Freeman '228 of context switching does not involve

changing the display state of a character to another display state. Context switching in Freeman '228 to one skilled in the art means entirely changing the situation of the game to a completely different situation such as changing a virtual word where a player exists into a different virtual word. The context switching of Freeman '228 does not mean a cinematographic effect because the context switching of Freeman '228 merely change the entire display and there is no display effect involved in changing the game world or situation. According to the context switching of Freeman '228, players cannot play continuously in the same world or situation after communication of the game apparatus deteriorates. On the other hand, according to the present invention, a character is changed to a degraded state without switching a virtual word of the game to another virtual world. Thus, according to the present invention, players can continue a game in the same game world or situation even if communication is degraded.

6. Accordingly, to one skilled in the art Freeman does not teach cinematographic effects which result in changing the display state of a character from a normal display state to another display state which is not normal much less in response to the degradation in communication from another game apparatus from which the character is received.

The undersigned hereby declare that all statements made herein of our own knowledge are true and all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Date: 11 th day of March 2009

Masato Kuwahara
Name